

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LESLIE REUTLEDGE and FALCO
 INVESTMENTS,

Plaintiffs,

vs.

DAVID FIGUEIREDO, et al.,

Defendants.

Case No. 2:13-cv-00783-GMN-NJK

ORDER

(Docket No. 25)

This matter is before the court on Plaintiffs' Counsel's Motion for Reconsideration on Plaintiffs' Counsel's Emergency Motion to Withdraw as Counsel of Record for Plaintiffs (Docket No. 25) filed September 17, 2013. The law firm of Hutchison & Steffen, LLC, seeks to withdraw as counsel of record for Plaintiffs Leslie Rutledge and Falco Investments and has set forth additional facts to support its request.

The Motion represents that the factual and legal matters involved in this case require specific knowledge of securities law and the attorney at Hutchison & Steffen with this specialized knowledge left the firm and has not been retained by Plaintiffs.¹ That attorney originally represented that she would be taking Plaintiffs' file with her; however, after weeks of negotiating a new retainer agreement with Plaintiffs, she was not retained by Plaintiffs. Hutchison & Steffen was not made aware of this fact until August 22, 2013, when a "Notice of Change of Attorney" was filed with the Court. *See* Docket No. 17. Subsequently, on September 4, 2013, Plaintiffs represented to Hutchison & Steffen that they have retained Bruce L. Gale, Esq., and that a substitution of counsel could be forthcoming. To date, no

¹The Motion also represents that the former firm attorney with specialized knowledge brought Plaintiffs into the firm when she originally joined the firm.

1 substitution of counsel has been filed. Additionally, Hutchison & Steffen represents that it has
 2 attempted to contact Bruce Gale, on more than one occasion, but that Mr. Gale was unavailable when
 3 called and he did not return Hutchison & Steffen's messages.

4 Hutchison & Steffen requests to withdraw as counsel of record on the grounds that Plaintiffs
 5 have represented that they desire to seek new counsel and Hutchison & Steffen does not have an
 6 attorney who can adequately represent Plaintiffs in this matter. Additionally, Plaintiffs are four months
 7 late in paying a \$3,229.62 legal bill to Hutchison & Steffen and there is no indication that Plaintiffs
 8 intend to pay.

9 Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery,
 10 the trial or any hearing in the case would result." Here, Defendants filed their Motion to Dismiss on
 11 August 12, 2013, and the parties have now stipulated to a response date of September 17, 2013.
 12 Hutchison & Steffen has represented to the Court that it does not have the ability to respond to that
 13 Motion. The Discovery Plan and Scheduling Order is due September 26, 2013. A trial in this matter
 14 has not yet been set and no discovery has commenced. Nevertheless, unless Plaintiff has new counsel
 15 that intends to make an appearance and file a response to the Motion to Dismiss today, this case will be
 16 delayed. However, having reviewed the matter, the Court finds that Hutchison & Steffen is not the
 17 cause of any such delay and requiring it to remain as counsel will not remedy that delay.

18 Having reviewed and considered the matter, and for good cause shown,

19 **IT IS ORDERED:**

- 20 1. Plaintiffs' Counsel's Motion for Reconsideration on Plaintiffs' Counsel's Emergency
 21 Motion to Withdraw as Counsel of Record for Plaintiffs (#25) is GRANTED.
- 22 2. A corporation cannot appear except through counsel. *Rowland v. California Men's*
 23 *Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3
 24 F.3d 1244, 1245 (9th Cir. 1993). Therefore, Falco Investments, shall have until **October**
 25 **11, 2013** to retain new counsel, who shall file a notice of appearance in accordance with
 26 the Local Rules of Practice.
- 27 3. Leslie Rutledge shall have until **October 11, 2013** to either retain new counsel, who
 28 shall file a notice of appearance in accordance with the Local Rules of Practice, or to file

1 a statement that they will be proceeding *pro se*.

2 4. Responses to the Motion to Dismiss are due **October 25, 2013**.

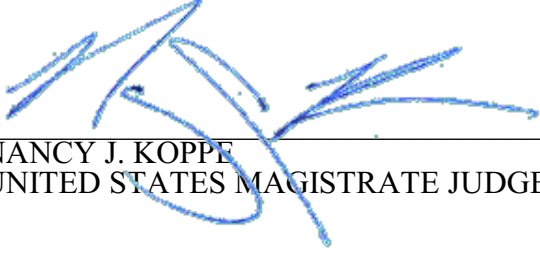
3 5. The Discovery Plan and Scheduling Order is due **October 30, 2013**.

4 6. Failure to comply with this order may result in a recommendation to the District Judge
5 for sanctions, including case-dispositive sanctions.

6 7. The Clerk of Court shall serve a copy of this Order on Leslie Rutledge and Falco
7 Investments at:

8 Leslie Rutledge and Falco Investments
9 270 E. 1st Street
North Vancouver, BC V7L1B3

10 Dated: September 18, 2013

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12 NANCY J. KOPPE
13 UNITED STATES MAGISTRATE JUDGE
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